



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/664,329	09/18/2000	Robert Ellis Chapman JR.	YOR920000628US1	4401

7590 08/07/2003

Louis J Percello
Intellectual Property Law Dept
IBM Corporation
P O Box 218
Yorktown Heights, NY 10598

EXAMINER

TIEU, BENNY QUOC

ART UNIT	PAPER NUMBER
----------	--------------

2642

2

DATE MAILED: 08/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

7

Office Action Summary

Application No.

09/664,329

Applicant(s)

CHAPMAN ET AL.

Examiner

Benny Q. Tieu

Art Unit

2642

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Sawyer et al. (U.S. Patent No. 6,356,757).

Regarding claim 1, Sawyer et al. teaches a method of doing business where a wireline telephone company provides wireless telephone communication through a telephone network including:

providing a plurality of telephone signals over one or more wireline connected to one or more network nodes in wireless communication proximity to one or more telephone users (Fig. 3); and

responding to requests from one or more wireless devices for telephone network attachment through a wireless communication with the network node device (column 5, lines 40-67).

Art Unit: 2642

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Williams et al. (U.S. Patent No. 5,475,735).

Regarding claim 1, Williams et al. teaches a method of doing business where a wireline telephone company provides wireless telephone communication through a telephone network including:

providing a plurality of telephone signals over one or more wireline connected to one or more network nodes in wireless communication proximity to one or more telephone users (column 3, lines 56-67); and

responding to requests from one or more wireless devices for telephone network attachment through a wireless communication with the network node device (column 6, lines 28-42).

Regarding claim 2, Williams et al. further teaches the method wherein at least one wireline is dedicated to a particular user (column 6, lines 54-66).

Regarding claim 3, Williams et al. further teaches the method wherein at least one wireline can be shared among multiple users (Fig. 1, PSTN).

Regarding claim 4, Williams et al. further teaches the method wherein at least one user has access to both dedicated and shared wirelines (column 6, lines 54-66 and Fig. 1, PSTN).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2642

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 5-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. et al. (U.S. Patent No. 5,475,735) in view of Sundqvist et al. (U.S. Patent Application Publication No. 2001/0032262).

Regarding claims 5-9, Williams et al. fail to teach the method wherein the telephone company sells priorities for sharing, the ability to pre-empt other calls and priorities for preemption. However, Sundqvist et al. teach these features as shown in page 1 [0008]. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of the priorities for sharing as well as the ability to pre-empt to be configured to an acceptable level in order to guarantee for better bandwidth in a network.

Regarding claim 10, Williams et al. fail to teach the method where the telephone company sells a multiplicity of telephone service access levels including: at least one of

Art Unit: 2642

multiplicity of maximum numbers of concurrent calls per telephone customer. However, Sundqvist et al. teach these features (page 4 [0042]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of service access levels taught by Sundqvist et al. into the method disclosed by Williams et al. in order to meet the requirement for the services.

Regarding claims 11 and 12, Williams et al. fail to teach the method wherein the telephone company sells a service including: bridging multiple (two) handsets or modems to a single call connection and a handset or modem requesting privacy on a call. However, Sundqvist et al. teach these features (page 6, [0064]). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the use of conference call and privacy feature taught by Sundqvist et al. into the method disclosed by Williams et al. in order to the customer a better service.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Smith et al. (U.S. Patent No. 6,073,029) teaches a method and system for providing wireless communications to a subscriber of a private wireline network.

8. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

OR Hand-delivered responses should be brought to:

Art Unit: 2642

Crystal Park II, Sixth Floor (Receptionist)

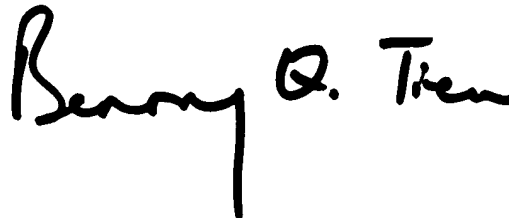
2121 Crystal Drive

Arlington, VA 22202.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is (703) 305-2360. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

A handwritten signature in black ink that reads "Benny Q. Tieu". The signature is written in a cursive style with a large, prominent 'B' and a long vertical stroke at the end.

**BENNY TIEU
PRIMARY EXAMINER**

Art Unit 2642
July 30, 2003